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November 27, 2006

Representative Stahl
Chairman, Families and Children's Services Committee
Michigan House of Representatives
House Office Building
P.O. Box 30014
Lansing, Michigan 48909-7514

Subj : Testimony on House Bill 5267

Honorable Stahl and Representatives of the Committee:

Thank you and your colleagues for considering this important legislation of HB 5267 to nurture and support family, despite divorce and custody.

I have provided several pieces of scientific social research that unequivocally recognizes that a shared parenting arrangement is the best interest of the child, and for our society, despite divorce and custody. A few years ago, Representative Jim Howell and I often discussed the concept of eliminating the concept of custody and to focus on parenting time arrangements that better serve both parents and children, challenged by increasing work commitments.

There were 38,000 divorces in Michigan in 2005, 17,000 did not involve children. Many children are involved in unwed parent situations, 70% in Detroit and almost 40% in the state of Michigan (these are not included in the 38,000). Most of these cases with children find themselves classified under Title IV-D Welfare. As we have learned, the greatest predictor of poverty and crime committed against and by children is single parenthood, without both parent involvement. It is a tragedy in the wake of the greatest country in history to leave so many in the trenches.

Custody awards, according DHS statistics, are 63% Mom, 26% joint physical and/or legal (including every other weekend arrangements), and 11% other.

Michigan NOW reports,

"The truth is that in 90 percent of custody decisions it is mutually agreed that the mother would be sole custodian. According to several studies, when there is a custody dispute, fathers win custody in the majority of disputed cases." As we agree that Mom gets custody in 90% of the cases, this is not in the best interest of the child. As a result, 67% of the court docket is domestic relations and family issues. The numbers do not add up to support the argument that the father wins custody in a dispute. The reality is, in a conflict divorce, the Judge is almost always compelled to awards sole custody, and the numbers prove that the women is awards sole custody. It is not likely to change with HB 5267.

I wish to reflect a moment upon the issue of conflicted separations when children are involved. It is evident that this has grave consequences for family, parents and children. Too often the process

Equal Parents...Equal Rights...Equal Responsibilities

encourages a hostile conflict of positioning for custody, which in and of itself, is domestic violence, fueled by aggressive counsel.

Domestic Violence is very liberally defined and includes mental abuse, shouting, arguing, silent treatment, and nearly any behavior that may hurt the feelings of a partner.

Substantial Domestic Violence laws have been passed at the Federal and State level. The Violence Against Women Act was reauthorized in 2005 by President Bush and only now does it include male victim protection of domestic violence. In the previous decade, prosecution for domestic violence was primarily provided to women against men, and statistics were not recorded of women on man domestic violence. A basic understanding of statistics would permit one to conclude that most statistics on domestic violence are statistically flawed.

The Michigan Bar Association reported that approximately 10% of divorce and custody involves high conflict situations. However, Michigan procedure frequently treats most cases as high conflict.

The Department of Defense reported 1,800 cases of domestic violence in 2005. This represents less than ½ of 1% of the marriages or divorces in the military. In a majority of the cases, it was found that there was conflict by both parents.

As we well know, the Michigan judicial system is guided to decide which parent is the better parent. This presumption is that one parent is more fit than the other. The statistics in the Michigan courts have asserted that the Mother is the more fit parent in approximately 90 percent of the cases.

It may appear sensible that children will fare much better in the care and custody of the Mother. However, the mounting statistics over thirty years continues to confirm that children fare much better in the care and custody of both parents, even in the event of divorce. With this preponderance of evidence, which is enormous, it is common sense that we should modify the laws which impede parent involvement in children's lives.

There are numerous publications that support shared parenting and you will find some of the evidence, 'real' statistics, and expert testimony in the following:

Parenting Our Children, Department of Health and Human Services, 1996

Father Facts, 3rd ed., The National Fatherhood Initiative, Wade F. Horn, Ph.D, 1999, ph 301-948-0599

Restoring Fathers to Families and Communities, Social Policy Action Network, Kathleen Sylvester and Kathy Reich, 2000, ph 202-434-4770.

There are many disturbing facts in our social structure that only major surgery in family and children legislation and long rehabilitation can repair.

- The well documented increase of violence, sexual conduct, and incarceration of children in single parent households.

- The high rate of divorce and the devastating affect on the financial well being of all of those affected.
- The high rate of children born out of wedlock, 70% in the City of Detroit
- The affects two parent working households in divorce

In case of divorce, both parents need to work; one to support the child and the other to pay child support. When both parents are working, who takes care of the child? The current system does not encourage or support the non-custodial parent to parent the child while the custodial parent is working. We need to encourage parents to work together, adjust their work schedules, and share in the parenting of the children. This is a win-win situation.

Our legislators need to do everything in their power to give our children all of the support and resources possible. One fantastic resource that we continuously exclude is the parents. When you remove the parents from raising and developing the children, who do you expect to raise children? This practice is unconscionable.

This Bill has been occasionally labeled a Fathers rights bill. However, there are many Mother's that are impeded from having a shared parenting arrangement with their children. Therefore, in fact, this is a Mother's rights bill.

To those who would oppose this common sense bill, you must ask in whose interest do they serve. Clearly, it is not children.

If there is anything *Dads of Michigan PAC* can do to help and support yours efforts, please do not hesitate to call me at 248-693-0558.

Sincerely,

James Semerad
Chairman

Appendix A

ANNOTATED REFERENCE EXAMINING ASSAULTS BY WOMEN ON THEIR SPOUSES OR MALE PARTNERS: AN ANNOTATED BIBLIOGRAPHY

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SUMMARY: This bibliography examines 196 scholarly investigations: 153 empirical studies and 43 reviews and/or analyses, which demonstrate that women are as physically aggressive, or more aggressive, than men in their relationships with their spouses or male partners. The aggregate sample size in the reviewed studies exceeds 177,100.

Aizenman, M., & Kelley, G. (1988). The incidence of violence and acquaintance rape in dating relationships among college men and women. *Journal of College Student Development*, 29, 305-311. (A sample of actively dating college students <204 women and 140 men> responded to a survey examining courtship violence. Authors report that there were no significant differences between the sexes in self reported perpetration of physical abuse.)

Archer, J. (2000). Sex differences in aggression between heterosexual partners: A meta-analytic review. *Psychological Bulletin*, 126, 651-680. (Meta-analyses of sex differences in physical aggression indicate that women were more likely than men to "use one or more acts of physical aggression and to use such acts more frequently." In terms of injuries, women were somewhat more likely to be injured, and analyses reveal that 62% of those injured were women.)

Archer, J. (2002). Sex differences in physically aggressive acts between heterosexual partners: A meta-analytic review. *Aggression and Violent Behavior*, 7, 213-351. (Analyzing responses to the Conflict Tactic Scale and using a data set somewhat different from the previous 2000 publication, the author reports that women are more likely than men to throw something at their partners, as well as slap, kick, bite, punch and hit with an object. Men were more likely than women to strangle, choke, or beat up their partners.)

Archer, J., & Ray, N. (1989). Dating violence in the United Kingdom: a preliminary study. *Aggressive Behavior*, 15, 337-343. (Twenty three dating couples completed the Conflict Tactics scale. Results indicate that women were significantly more likely than their male partners to express physical violence. Authors also report that, "measures of partner agreement were high" and that the correlation between past and present violence was low.)

Arias, I., Samios, M., & O'Leary, K. D. (1987). Prevalence and correlates of physical aggression during courtship. *Journal of Interpersonal Violence*, 2, 82-90. (Used Conflict Tactics Scale with a sample of 270 undergraduates <95 men, 175 women> and found 30% of men and

49% of women reported using some form of aggression in their dating histories with a greater percentage of women engaging in severe physical aggression.)

Arias, I., & Johnson, P. (1989). Evaluations of physical aggression among intimate dyads. *Journal of Interpersonal Violence*, 4, 298-307. (Used Conflict Tactics Scale-CTS- with a sample of 103 male and 99 female undergraduates. Both men and women had similar experience with dating violence, 19% of women and 18% of men admitted being physically aggressive. A significantly greater percentage of women thought self-defense was a legitimate reason for men to be aggressive, while a greater percentage of men thought slapping was a legitimate response for a man or woman if their partner was sexually unfaithful.)

Arriaga, X. B., & Foshee, V. A. (2004). Adolescent dating violence. Do adolescents follow in their friends' or their parents' footsteps? *Journal of Interpersonal Violence*, 19, 162-184. (A modified version of Conflict Tactics Scale was administered on two occasions, 6 months apart, to 526 adolescents, <280 girls, 246 boys> whose median age was 13. Results reveal that 28% of girls reported perpetrating violence with their partners <17% moderate, 11% severe> on occasion one, while 42% of girls reported perpetrating violence <25% moderate, 17% severe> on occasion two. For boys, 11% reported perpetrating violence <6% moderate, 5% severe> on occasion one, while 21% reported perpetrating violence <6% moderate, 15% severe> on occasion two. In terms of victimization, 33% of girls, and 38% of boys reported being victims of partner aggression on occasion one and 47% of girls and 49% of boys reported victimization on occasion two.

Basile, S. (2004). Comparison of abuse by same and opposite-gender litigants as cited in requests for abuse prevention orders. *Journal of Family Violence*, 19, 59-68. (Author examined court documents in Massachusetts for the year 1997 and found that, "male and female defendants, who were the subject of a complaint in domestic relations cases, while sometimes exhibiting different aggressive tendencies, measured almost equally abusive in terms of the overall level of psychological and physical aggression.)

Bernard, M. L., & Bernard, J. L. (1983). Violent intimacy: The family as a model for love relationships. *Family Relations*, 32, 283-286. (Surveyed 461 college students, 168 men, 293 women, with regard to dating violence. Found that 15% of the men admitted to physically abusing their partners, while 21% of women admitted to physically abusing their partners.)

Billingham, R. E., & Sack, A. R. (1986). Courtship violence and the interactive status of the relationship. *Journal of Adolescent Research*, 1, 315-325. (Using CTS with 526 university students <167 men, 359 women> found Similar rates of mutual violence but with women reporting higher rates of violence initiation when partner had not--9% vs 3%.)

Bland, R., & Orne, H. (1986). Family violence and psychiatric disorder. *Canadian Journal of Psychiatry*, 31, 129-137. (In interviews with 1,200 randomly selected Canadians <489 men, 711 women> found that women both engaged in and initiated violence at higher rates than their male partners.)

Bohannon, J. R., Dosser Jr., D. A., & Lindley, S. E. (1995). Using couple data to determine domestic violence rates: An attempt to replicate previous work. *Violence and Victims*, 10, 133-41. (Authors report that in a sample of 94 military couples 11% of wives and 7% of husbands were physically aggressive, as reported by the wives.)

Bookwala, J. (2002). The role of own and perceived partner attachment in relationship aggression. *Journal of Interpersonal Violence*, 17, 84-100. (In a sample of 161 undergraduates, 34.3% of women <n=35> reported being victims of partner aggression compared to 55.9% <n=33> of men.)

Bookwala, J., Frieze, I. H., Smith, C., & Ryan, K. (1992). Predictors of dating violence: A multi variate analysis. *Violence and Victims*, 7, 297-311. (Used CTS with 305 college students <227 women, 78 men> and found that 133 women and 43 men experienced violence in a current or recent dating relationship. Authors reports that "women reported the expression of as much or more violence in their relationships as men." While most violence in relationships appears to be mutual--36% reported by women, 38% by men-- women report initiating violence with non violent partners more frequently than men <22% vs 17%>).

Brinkerhoff, M., & Lupri, E. (1988). Interspousal violence. *Canadian Journal of Sociology*, 13, 407-434. (Examined Interspousal violence in a representative sample of 562 couples in Calgary, Canada. Used Conflict Tactics Scale and found twice as much wife-to-husband as husband-to-wife severe violence <10.7% vs 4.8%>. The overall violence rate for husbands was 10.3% while the overall violence rate for wives was 13.2%. Violence was significantly higher in younger and childless couples. Results suggest that male violence decreased with higher educational attainment, while female violence increased.)

Brown, G. (2004). Gender as a factor in the response of the law-enforcement system to violence against partners. *Sexuality and Culture*, 8, (3-4), 3-139. (Summarizes partner violence data from the 1999 Canadian General Social Survey <GSS>. The GSS is based on a representative sample of 25,876 persons. Overall in the 12-month period preceding the survey, an estimated 3% Canadian women and 2% of Canadian men reported experiencing violence from their partners. During the 5 year period from 1995-1999, an estimated 8% of Canadian women and 7% of Canadian men reported violence from their partners. Reviewed police and legal responses to partner violence in Edmonton, Canada and concludes that ". . . men who are involved in disputes with their partners, whether as alleged victims or as alleged offenders or both, are disadvantaged and treated less favorably than women by the law-enforcement system at almost every step.")

Brush, L. D. (1990). Violent Acts and injurious outcomes in married couples: Methodological issues in the National Survey of Families and Households. *Gender & Society*, 4, 56-67. (Used the Conflict Tactics scale in a large national survey, n=5,474, and found that women engage in same amount of spousal violence as men.)

Brutz, J., & Ingoldsby, B. B. (1984). Conflict resolution in Quaker families. *Journal of Marriage and the Family*, 46, 21-26. (Used Conflict Tactics Scale with a sample of 288 Quakers <130 men, 158 women> and found a slightly higher rate of female to male violence <15.2%> than male to female violence <14.6%>.)

Burke, P. J., Stets, J. E., & Pirog-Good, M. A. (1988). Gender identity, self-esteem, and physical and sexual abuse in dating relationships. *Social Psychology Quarterly*, 51, 272-285. (A sample of 505 college students <298 women, 207 men> completed the CTS. Authors reports that they found "no significant difference between men and women in reporting inflicting or

sustaining physical abuse." Specifically, within a one year period they found that 14% of the men and 18% of the women reported inflicting physical abuse, while 10% of the men and 14% of the women reported sustaining physical abuse.)

Caetano, R., Schafer, J., Field, C., & Nelson, S. M. (2002). Agreement on reports of intimate partner violence among white, Black, and Hispanic couples in the United States. *Journal of Interpersonal Violence*, 17, 1308-1322. (A probability sample of 1635 couples was interviewed and assessed with the CTS. Agreement concerning intimate partner violence was about 40%, with no differences reported across ethnicities. Women significantly reported perpetrating more partner violence than men in all three ethnic groups.)

Callahan, M. R., Tolman, R. M., & Saunders, D. G. (2003). Adolescent dating violence victimization and psychological well-being. *Journal of Adolescent Research*, 18(6), 664-681. (Subjects were 190 high school students <53% male; 47% female; approximately 50% African-American> who completed a modified version of the CTS2. In terms of injuries, 22% of girls and 17% of boys reported being injured by their dating partners. Note this difference was nonsignificant.)

Capaldi, D. M. & Crosby, L. (1997). Observed and reported psychological and physical aggression in young, at-risk couples. *Social Development*, 6, 184-206. (A sample of 118 young men and their dating partners were surveyed regarding their own physical aggression as well as that of their partners. Findings reveal that 31% of men and 36% of women engaged "in an act of physical aggression against their current partner.")

Capaldi, D. M., Kim, H. K., & Shortt, J. W. (2004). Women's involvement in aggression in young adult romantic relationships. In M. Putallaz and K. L. Bierman (Eds.). *Aggression, Antisocial Behavior, and Violence Among Girls* (pp. 223-241). New York: Guilford Press. (A review chapter which reports on data obtained from Oregon Youth Study and Couples Study. Authors conclude that "Young women were observed to initiate physical aggression toward their partners more frequently than were the young men." And "the relative prevalence of frequent physical aggression by women and of injury and fear for men was surprisingly high.")

Capaldi, D. M. & Owen, L. D. (2001). Physical aggression in a community sample of at-risk young couples: Gender comparisons for high frequency, injury, and fear. *Journal of Family Psychology*, 15 (3), 425-440. Drawn from a community based at-risk sample, 159 young couples were assessed with the Conflict Tactics scale and measures of self reported injuries. Findings indicated that 9.4% of men and 13.2% of women perpetrated frequent physical aggression toward their partners. Contrary to expectations, 13% of men and 9% of women, indicated that they were physically injured at least once. Authors report "2% of the men and none of the women indicate that they had been hurt by their partners between five and nine times."

Carlson, B. E. (1987). Dating violence: a research review and comparison with spouse abuse. *Social Casework*, 68, 16-23. (Reviews research on dating violence and finds that men and women are equally likely to aggress against their partners and that "the frequency of aggressive acts is inversely related to the likelihood of their causing physical injury.")

Appendix B

<http://www.washtimes.com/national/20020415-17907745.htm>

The Washington Times
April 15, 2002

Marriage safest bet to prevent abuse, Heritage data show
by Ellen Sorokin

Marriage is the only institution that protects mothers and children from domestic abuse and violent crime, a new report says.

The report, compiled by the Heritage Foundation, concludes that domestic abuse is twice as high among women who have never married than among those who have. Children of divorced or never-married mothers are six to 30 times more likely to suffer from serious child abuse than children raised by both biological parents who are married, the report says.

"Social science data clearly show that mothers and children are safer in a married family," said Patrick Fagan, a William H.G. Fitzgerald research fellow in Family and Culture Issues. "It's time for the government to adopt policies that reflect this knowledge and rebuild - rather than undermine - the institution of marriage."

The findings also support President Bush's plan to spend \$300 million per year on efforts to rebuild marriage among the poor.

"In establishing programs to help those who need assistance, the question before Congress shouldn't simply be whether to fund the program, but how much its policies would improve the well-being of adults and children," said Kirk Johnson, a senior policy analyst at the foundation's Center for Data Analysis.

The report's findings are based on an analysis of the 1999 results of the National Crime Victimization Survey, which the Justice Department has conducted since 1973.

Highlights of the study:

- * Never-married women experience more domestic abuse than those who are married. Among those who have been married, the annual rate of domestic abuse is 14.7 per 1,000 mothers. For mothers who have never been married, it's 32.9 per 1,000.

- * Never-married mothers with children are more likely to be victims of violent crime than married women who have children. The report shows that never-married women suffer 147.8 violent crimes per 1,000 mothers each year, compared with 52.9 crimes per 1,000 among married mothers.

* Children who live with their mother and a boyfriend who is not their father are 33 times more likely to be abused. The rate of abuse is six times higher in step-families, 14 times higher in the single-mother family and 20 times higher in cohabiting-biological parent families.

Groups such as the Family Research Council (FRC) and SmartMarriages.com agree with the foundation's findings.

"Marriage definitely protects women and children," said Diane Sollee, director of SmartMarriages.com, which is part of the Coalition for Marriage, Family and Couples Education LLC, an independent organization that deals with the strengthening of marriage.

A long-term commitment like marriage offers more stability in the home than less-committed relationships, the groups say. Their idea is that commitment heads off violence, a product of instability.

"When people are married, they make an investment in each other's lives," said Jennifer Marshall, director of FRC's Family Studies Department. "When you're in a less-committed relationship, it can get volatile because these kinds of relationships don't carry the same commitment."

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RIGHT OF SHARED PARENTING POSITION PAPER

DADS OF MICHIGAN PAC (248) 559-DADS (3237)

- Issue:* Whether state trial courts should continue to flagrantly ignore the U.S. constitutionally protected rights of parents to *equal* child custody in the absence of clear and convincing evidence of physical, psychological, or sexual abuse.
- Current Law:* While current law allows state trial courts discretion to consider joint (physical/legal) custody of minor children to their parents in certain cases, it does not recognize it as an U.S. constitutional presumption to be waived only in exceptional cases. State trial courts routinely terminate custody rights in no-fault divorce cases and ignore biological fathers' rights in nearly all single parent custody cases.
- Position of D.O.M:* A state trial court should *always* recognize the *equal rights and responsibilities of both biological parents to the care, custody, and nurturing of their minor children*, in the absence of clear and convincing unfitness. This is a civil rights issue in the judiciary.

Reasons for Support:

- I. A custody decision should focus upon the U.S. constitutional custody rights and responsibilities of parents first and the unfitness of parents afterwards. The "Best interests of children" are typically served by encouraging and facilitating maximum involvement among *both* parents and children I.
- II. Since courts currently award joint custody as it relates to the decision-making abilities of parents, the courts are rarely presented with a true and accurate picture due the contentiousness of no-fault divorces, the adversarial climate of family courts, and their historically biased custody rulings favoring a single parent (mothers) in 88% of cases.
- III. Current law requires trial courts to make findings on requests for joint custody. Trial courts should make findings on reasons for *not* awarding joint physical and legal custody awards.
- IV. Where trial courts must determine custody under existing child custody factors, mothers receive sole physical custody in the overwhelming majority of cases. Fathers are required to motion separately for visitation (parenting time) in order to exercise their parental responsibilities.
- V. Joint custody awards should not necessarily reflect the voluntary distribution of parental involvement in an intact household prior to divorce. The environment of a two-household, non-intact family will place new demands upon parents and children alike.
- VI. A joint physical/legal custody award will practically guarantee a greater involvement of both parents in the lives and activities of their children. Typical current stipulated and non-stipulated visitation (parenting time) awards hamper the effective involvement of both parents in their child's development post divorce. Custody awards to unmarried mothers seldom involve child visitation of biological fathers.
- VII. An unfit parent is easily defined by the U.S. constitution and upheld by the U.S. Supreme Court and does not go beyond physical, psychological, or child abuse. If parental unfitness were to be defined by current Michigan domestic violence statutes, then few parents (married or otherwise) would be deemed fit to parent.

There are indeed times when joint physical/legal custody is not in the best interest of the children,
- VIII. but these times are the exceptions and involve physical, psychological, or child abuse.

The Shared Parenting Bill will dramatically reduce the documented bias of custody awards by state trial courts while reducing legal litigation and its associated costs; which also serve to reduce the marital assets that would ordinarily be available for the minor children.
- IX. The Shared Parenting Bill would encourage both parents to remain accessible to their children. Court discretion can be utilized to determine specific physical custody durations based upon circumstances.
- X.